

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA	:	
	:	CRIMINAL ACTION
v.	:	
	:	NO. 1:05-CR-191-WSD-2
LARRY GILLIAM	:	

MOTION FOR DOWNWARD DEPARTURE
PURSUANT TO U.S.S.G SECTION 5K1.1

Comes now the United States of America, by David E. Nahmias, United States Attorney, and Phyllis Clerk, Assistant United States Attorney for the Northern District of Georgia, and files this Motion for Downward Departure Pursuant to U.S.S.G Section 5K1.1 as follows:

1. The defendant entered a written plea of guilty to Count One of the indictment on July 8, 2005.
2. Subsequent to the defendant's guilty plea, the defendant agreed to cooperate with the government in the prosecution of co-defendant, Leroy Bennett.
3. As a part of his cooperation, defendant was debriefed. In his debriefing, defendant provided specific information regarding the investigation in his case. Specifically, he provided chronological, step-by-step details of the planning and execution of the robbery of the Bantek armored truck on March 23, 2005. Defendant identified each persons role in the robbery, including

his own. He further provided information about the division of the proceeds and how much money Leroy Bennett received for his participation.

4. The government submits that defendant has substantially assisted the government within the meaning of U.S.S.G. Section 5K1.1.
5. Based on the Presentence Report, defendant's total offense level is 17 with a criminal history category of III, resulting in a custody guideline range of 30-37 months.
6. For the reasons set forth above, the United States urges the Court to grant this motion for downward departure of two levels from defendant's applicable offense level.

WHEREFORE, the government prays that its motion be granted.

Respectfully submitted,

DAVID E. NAHMIAS
UNITED STATES ATTORNEY

s/PHYLLIS CLERK
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CERTIFICATE OF SERVICE

I hereby certify that I have this day electronically filed the within and foregoing document with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following attorney of record:

William A. Morrison
1250 Peachtree Center Tower
230 Peachtree Street, N.W.
Atlanta, GA 30303

This 6th day of January, 2006.

s/PHYLLIS CLERK
ASSISTANT UNITED STATES ATTORNEY